



Docket No.: 216362US-2

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



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RE: Application Serial No.: 09/989,024

Applicants: Hirofumi TAKIKAWA, et al.

Filing Date: November 21, 2001

For: METHOD FOR MANUFACTURING NANO-TUBE,
NANO-TUBE MANUFACTURED THEREBY,
APPARATUS FOR MANUFACTURING NANO-
TUBE, METHOD FOR PATTERNING NANO-TUBE,
NANO-TUBE MATERIAL PATTERNED THEREBY,
AND ELECTRON EMISSION SOURCE

Group Art Unit: 2814

Examiner: S. Rao

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Gregory J. Maier

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
HIROFUMI TAKIKAWA ET AL. : GROUP: 2814
SERIAL NO: 09/989,024 : EXAMINER: S. RAO
FILED: NOVEMBER 21, 2001 :
FOR: METHOD FOR :
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TUBE, NANO-TUBE...

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RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction Requirement dated February 5, 2003, Applicants provisionally elect with traverse Group I, Claims 1-13 and 18-22, directed to a method of manufacturing a nano-tube classified in class 438, subclass 292. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants traverse the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application no undue burden has been established if each of the claims were examined together. In particular, as claimed, the specific method of manufacturing a

nano-tube would require the specific structure of the apparatus. In contrast, the present restriction requirement subjects the Applicants to the added financial burden of prosecuting Claims 1-13, and 18-22 and Claims 14-17, and 23 in separate proceedings.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-23 be conducted.

Finally, the attention of the Patent Office is directed to the change of address of Applicants' representative, effective January 6, 2003:

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.

1940 Duke Street

Alexandria, VA 22314.

Please direct all future communications to this new address.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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